

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MARTIN JONATHAN BEYER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

) Case No.: 1:23-cv-01041-GSA

) ORDER TO SHOW CAUSE WHY THIS CASE
) SHOULD NOT BE DISMISSED FOR FAILURE
) TO PAY THE FILING FEE

Plaintiff Martin Jonathan Beyer initiated this action by filing a complaint for judicial review of the administrative decision denying his application for Social Security benefits. (Doc. 1.). Plaintiff filed an application to proceed *in forma pauperis*. (Doc. 3). On July 19, 2023 the Magistrate Judge entered Findings and Recommendations to deny the application to proceed *in forma pauperis* and to direct Plaintiff to pay the filing fee. (Doc. 5). The Findings and Recommendations advised Plaintiff that objections were due within 14 days thereof (L.R. 304(b)), and that failure to file objections within the specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838–39 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)). Plaintiff did not file objections to the Findings and Recommendations. On September 5, 2023, the Court adopted the Findings and Recommendations and directed Plaintiff to pay the filing fee within 30 days, which Plaintiff has not done. Accordingly, Plaintiff was directed to either pay the filing fee or show cause in writing why the

1 filing fee has not been paid. Plaintiff has done neither and the response is overdue. If Plaintiff's financial
2 circumstances have changed, Plaintiff may file an amended application to proceed *IFP*.

3 Accordingly, within 14 days of the entry of this order, Plaintiff is **directed** to either pay the filing
4 fee or show cause in writing why the filing fee has not been paid and when Plaintiff anticipates being
5 able to pay the fee. Failure to comply with this order may result in the dismissal of this action.

6
7 IT IS SO ORDERED.

8 Dated: **December 5, 2023**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE